

Stephanie I. Sprecher
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 12-CR-245-J
)	
MARVIN L. IVERSON,)	
)	
Defendant.)	
)	

MOTION TO CONTINUE TRIAL DATE

The United States of America, by and through Assistant United States Attorney Stephanie I. Sprecher, respectfully moves the court for an order continuing the trial date of March 4, 2013. In support of its motion, the government offers the following.

On February 6, 2013, Pretrial Services Officer Greg Lewis filed a petition to revoke the Defendant's pretrial release for failure to report to the United States Probation/Pretrial Services Office. On February 6, 2013, an arrest warrant was issued for the Defendant for violation of his pretrial supervised release conditions. The Defendant resides in Burlington, Big Horn County, Wyoming. The Big Horn County Sheriff's Office is actively trying to locate the Defendant, but at

this time the Defendant's presence is still unknown. In addition to local law enforcement's efforts to locate the Defendant, the United States Marshals Service is in possession of the arrest warrant and therefore, aware of the Defendant's absence.

The United States anticipates calling a number of lay witnesses who are employed by the financial institutions affected by the Defendant's conduct alleged in the indictment. Additionally, the United States anticipates it will call as witnesses two members of the Big Horn County Sheriff's office. Big Horn County Sheriff's Office is a small office and the absence of these witnesses will strain their ability to function. It would be a waste of time and resources to require witnesses to appear for trial on March 4, 2013, only to find the Defendant has not done the same. Therefore, the United States requests the trial be continued until the Defendant's presence can be secured for trial, thereby alleviating the unnecessary costs and inconvenience that will be incurred by the government, the court, and the witnesses associated with appearing for trial on March 4, 2013, in the event the Defendant fails to appear. The United States requests this continuance pursuant to 18 U.S.C. § 3161(h)(3)(A)(B) since the Defendant's whereabouts are unknown and cannot be determined by due diligence.

The government respectfully asks the court to consider 18 U.S.C. § 3161(h)(3)(A)(B) and grant a continuance until the presence of the Defendant can be secured. Accordingly, the United States further requests that any period of delay resulting from the absence of the Defendant be excluded in computing speedy trial.

WHEREFORE, the government respectfully requests this court to find, for all of the above reasons, that the ends of justice served by the granting of a reasonable continuance in this matter outweigh the best interest of the public and the Defendant in a speedy trial.

DATED this 15th day of February, 2013.

Respectfully submitted,

CHRISTOPHER A. CROFTS
United States Attorney

By: /s/ Stephanie I. Sprecher
STEPHANIE I. SPRECHER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2013, a true and correct copy of the foregoing **Motion to Continue Trial Date** was served upon counsel of record via CM/ECF or the Court's Electronic Filing System, and the Defendant, Marvin L. Iverson, P.O. Box 67, Burlington, Wyoming 82411.

/s/ Vickie L. Smith
UNITED STATES ATTORNEY'S OFFICE